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a1
the cutter beam being further pivotally engaged to a distal end of the drive rod, whereby when the drive rod is moved to the advanced position the cutter beam is pivoted about the lower pivot member to the actuated position and when the drive rod is moved to the retracted position the cutter beam is pivoted back to the non-actuated position, the cutter beam comprising a first cutting edge and a second cutting edge opposably mounted on the cutter wherein the first cutting edge is positioned on a front side of the cutter and the second cutting edge is positioned on a back side of the cutter, at least one of the first cutting edge and the second cutting edge being positioned to cuttingly engage surrounding tissue when the cutter is moved into the actuated position.

Please replace claim 8 with the following amended claim.

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8. (Amended) The tool of claim 1 wherein the at least one of the first cutting edge and the second cutting edge is positioned to cuttingly engage the surrounding tissue when the cutter is moved from the actuated position to the non-actuated position.

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9. (Please replace claim 9 with the following amended claim.)
9. (Amended) The tool of claim 1 wherein the at least one of the first cutting edge and the second cutting edge is straight.

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10. (Please replace claim 10 with the following amended claim.)
10. (Amended) The tool of claim 1 wherein the at least one of the first cutting edge and the second cutting edge is curved.

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11. (Please replace claim 11 with the following amended claim.)
11. (Amended) The tool of claim 1 wherein the at least one of the first cutting edge and the second cutting edge is U-shaped.

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az *11/* *C* Please replace claim 12 with the following amended claim. *)*
12. (Amended) The tool of claim 1 wherein the at least one of the first cutting edge and the second cutting edge is serrated.

Please replace claim 17 with the following amended claim.

17. (Amended) A tool for cutting tissue comprising a housing, a shaft, a beam, and an activation member

the housing being at least partially disposed about the shaft, the shaft constructed and arranged to moved proximally and distally within the housing;

the beam being pivotally engaged to a distal end of the shaft, the beam constructed and arranged to be rotated about a pivot member engaged to the distal end of the shaft and the beam, the beam having at least two cutting blades, each cutting blade being positioned at opposite ends of the beam, wherein at least one of the at least two cutting blades is positioned on a front side of the beam and at least one of the at least two cutting blades is positioned on a back side of the beam; and

the activation member being operatively engaged to the proximal end of the shaft, when the activation member is placed in an activated position the shaft is moved distally relative to the housing thereby pivoting the beam in a predetermined arc about the pivot member.

Please cancel claims 7, 13 and 14 from the Application without prejudice or disclaimer.

REMARKS

This Amendment is in response to the Office Action mailed October 3, 2002 wherein claims 1, 4, 7-13 and 17 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. 5,649,947 to Auerbach et al (Auerbach); claims 2, 3 and 5 were rejected under 35 U.S.C. §103(a) as being obvious over Auerbach in view of U.S. 5,984,939 to Yoon; claim 9 was rejected under §103(a) over Auerbach; and claims 6, 14, 15 and 16 were allowed if rewritten in independent form.

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